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11 *and all others similarly situated*

12 [Additional Counsel on Signature Page]

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

15 PAUL CORMIER and NICHOLAS
16 SHONER,

17 Plaintiffs,

18 v.

19 CARRIER CORPORATION,

20 Defendant.

) CASE NO. 2:18-cv-07030 CAS (Ex)

)
) **PLAINTIFF'S OMNIBUS**
) **APPLICATION FOR LEAVE TO**
) **FILE UNDER SEAL**
) **REGARDING CLASS**
) **CERTIFICATION BRIEFING**

)
) **Declaration thereto filed**
) **concurrently herewith; [Proposed]**
) **Order Granting Application to**
) **File Under Seal lodged**
) **concurrently herewith]**

)
) Date: March 11, 2019
) Time: 10:00 a.m.
) Judge: Christina A. Snyder
)
)
)

1 Pursuant to Local Rule 79-5.2.2, Plaintiff, Paul Cormier (“Plaintiff”), seeks leave
2 to file under seal portions of Plaintiff’s Motion for Class Certification; the Declaration of
3 Timothy N. Mathews filed in support thereto (“Mathews Declaration”); an exhibit
4 attached thereto; and certain of the exhibits attached to Plaintiff’s Motion to Limit
5 Consideration of the Expert Report of Wayne Schneyer. This Application is
6 accompanied by the Declaration of Kolin C. Tang (“Tang Decl.”) in support and a
7 Proposed Order, which is narrowly tailored and identifies the exhibits and corresponding
8 portions of Plaintiff’s Motion for Class Certification and the Mathews Declaration.

9 The exhibits at issue are documents produced by Defendant, Carrier Corporation
10 (“Carrier”), which Carrier designated as “Confidential” or “Highly Confidential –
11 Attorneys’ Eyes Only,” pursuant to paragraphs 1(d) and (e) of the Stipulated Protective
12 Order issued by the Honorable Charles F. Eick, United States Magistrate Judge on
13 September 20, 2018. [Dkt. No. 44, at 3-4.] Under paragraphs 1(d) and (e) of the
14 Stipulated Protective Order, such documents are designated as “Confidential” or “Highly
15 Confidential Attorneys’ Eyes Only” because they contain information that is considered
16 by at least one party as confidential and proprietary, including trade secret and
17 confidential research, development, or commercial information, or other information that
18 a party deems confidential and protectable under Rule 26. Further, the exhibits include
19 an expert report that refer to documents and information designated “Confidential” and/or
20 “Highly Confidential – Attorneys’ Eyes Only” by Carrier, and documents and
21 information previously filed under seal pursuant to the Court’s Orders in the related case,
22 *Oddo v. Arcoaire Air Conditioning & Heating*, No. 8:15-cv-01985-CAS, Dkt. Nos. 116,
23 163 (C.D. Cal.). Plaintiff’s Motion for Class Certification and the Mathews Declaration
24 also refer to documents and information designated “Confidential” and/or “Highly
25 Confidential – Attorneys’ Eyes Only” by Carrier.

26 Accordingly, Plaintiff believes there is good cause and requests that the exhibits
27 and relevant portions of Plaintiff’s Motion for Class Certification and the Mathews
28 Declaration be filed under seal because they reference, discuss, or describe highly

1 confidential and proprietary materials produced and designated as such by Carrier that are
2 not known to the public. *See* Tang Decl., ¶ 10.

3 Pursuant to Local Rule 79-5.2.2 (b), Plaintiff met and conferred with Carrier on
4 January 14, 2019, concerning the papers Plaintiff planned on filing that were or referred
5 to documents that Carrier designated Confidential and Highly Confidential. *See id.*, ¶ 7.
6 Plaintiff also identified the pertinent exhibits/documents and requested Carrier identify
7 any such information that could be filed publicly. *See id.* These Exhibits/documents
8 include documents that were previously filed under seal pursuant to the Court's Orders in
9 the related case, *Oddo v. Arcoaire Air Conditioning & Heating*, No. 8:15-cv-01985-CAS,
10 Dkt. Nos. 116, 163 (C.D. Cal.). *See id.* ¶ 8. Carrier responded on January 16, 2019,
11 requesting confidential treatment of the documents sought to be sealed here. *See id.* ¶ 7.

12 Plaintiff has informed Carrier of its obligations under Local Rule 79-5.2.2(b) to file
13 a declaration establishing that all or part of the designated materials are sealable within
14 four days of the filing of this Application. A Proposed Order granting the requested relief
15 is submitted herewith.

16
17 Dated: January 18, 2019

Respectfully submitted,

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19 By: Kolin C. Tang
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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5-3.2, I certify that on January 18, 2019 a copy of the foregoing document, along with all concurrently filed documents, were served by e-mail upon the following parties to this action:

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